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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/843,887      | 04/30/2001  | Lawrence M. Besaw    | 10006654-1          | 1155             |

7590 05/05/2005  
HEWLETT-PACKARD COMPANY  
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| EXAMINER |
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PITARO, RYAN F

| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,887

Applicant(s)

BESAW ET AL.

Examiner

Ryan F Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 21-62 have been examined.

### ***Claim Objections***

2. Claims 25,39,53 are objected to because of the following informalities:  
"performance attributes, status and throughput." should be "performance attributes, status, and throughput ." Appropriate correction is required.
3. Claims 29,43,57 are objected to because of the following informalities: "HTTP, TCP/IP and X.25." should be "HTTP, TCP/IP, and X.25." Appropriate correction is required.
4. Claims 31,45,59 are objected to because of the following informalities: "local area network, wide area network wireless network and internet" should be "local area network, wide area network, wireless network, and internet" Appropriate correction is required.

### ***Response to Amendment***

5. This communication is responsive to Amendment A, filed 6/24/2004.
6. Claims 1-62 are pending in this application. Claims 21,35,49 are independent claims. In the Amendment A, Claims 1-20 were canceled, and Claims 21-62 were added as new. This action is made Final.

### ***Claim Rejections - 35 USC § 103***

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grau et al ("Grau", US# 5,910,803) in view of Prithviraj et al ("Prithviraj", US 5,987,513).

As per claim 21, Grau discloses a method for implementing a service on a management portal of a network to provide a customer at a remote node in the network with the capability to view on a web page a topology map of the customer's portioned network, the method comprising: receiving from the remote node a request for the topology map (Column 8 lines 12-17); gathering information relevant to the requested topology map (Column 8 lines 12-17); invoking an object-oriented map view module with the gathered information to create a map view object configured to generate the requested topology map with the gathered information (Column 6 lines 4-12). Grau fails to distinctly point out the user at a remote node able to view a topology map on a web page. However, Prithviraj teaches transporting the requested topology map to the remote network node utilizing a network protocol that enables the requested topology map to be linked into a web page (Column 6 lines 17-19). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Grau with the teaching of Prithviraj. Motivation to do so would have been to provide a network

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management solution, which allows easy integration of additional devices, and be usable by operators without requiring significant training.

As per claim 22, which is dependent on claim 21, Grau-Prithviraj discloses a method further comprising adding, by the map view object, a plurality of symbols to the requested topology map, wherein the symbols comprise at least one of either a network node icon symbol and a connection line symbol (Grau, Column 11 lines 65-67, and Column 12 lines 1-4).

As per claim 23, which is dependent on claim 21, Grau-Prithviraj fails to disclose a method wherein transporting the requested topology map comprises associating the requested topology map with an output file stream. However, Official Notice is taken that using an output file stream to transmit data to a remote node is well known in the art. It would have been obvious to an artisan at the time of the invention to use an output file stream to transmit the topological data to a remote node because it would allow the user to see data immediately, even if the entire data set has not yet been received by the node.

As per claim 24, which is dependent on claim 21, Grau-Prithviraj discloses a method further comprising: displaying on the remote network node a display of topology map options for generating the customer's network topology map (Grau, Column 8 lines 15-27), wherein the gathered information is consistent with the customer's selection of topology map options, if selected (Grau, Column 8 lines 15-27).

As per claim 25, which is dependent on claim 21, Grau-Prithviraj discloses a method wherein the topology map options comprise one of more of the group of

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individually-selectable parameters including performance attributes, status and throughput (Prithviraj, Column 24 lines 61-64).

As per claim 26, which is dependent on claim 21, Grau-Prithviraj discloses a method further comprising the customer with a display of filtering functions that may be applied to the customer's network partition to generate the requested topology map, wherein the gathered information is consistent with the customer's selection of a desired filter function, when selected (Prithviraj, Column 23 lines 31-37).

As per claim 27, which is dependent on claim 21, Grau-Prithviraj discloses a method initializing a graphics driver as a member function of the map view module, wherein the graphics driver is defined by a graphics driver class representing a supplied graphics library; and generating a system call to a supplied graphics library to generate the requested topology map (Grau, Column 5 lines 58-67, and Column 6 lines 1-3).

As per claim 28, which is dependent on claim 21, Grau-Prithviraj fails to disclose a method further comprising formatting the topology map to conform to a graphics format supported by the supplied graphics library, wherein the graphics format comprises at least one of the group comprising portable network graphics ("PNG") format and graphics interchange format ("GIF"). However, Official Notice is taken that GIF and PNG are well known in the art and is therefore not novel. It would have been obvious to one skilled in the art at the time of the invention to transfer graphical data using the GIF or PNG format in the network topology system because it provides better image compression technology.

As per claim 29, which is dependent on claim 21, Grau-Prithviraj discloses a method wherein the network protocol comprises one or more of the group comprising HTTP, TCP/IP and X.25 (Prithviraj, Column 10 lines 33-49).

As per claim 30, which is dependent on claim 21, Grau-Prithviraj discloses a method wherein the network topology generation service is one of a plurality of services provided to customers by a service provider (Prithviraj, Column 13 lines 27-33).

As per claim 31, which is dependent on claim 21, Grau-Prithviraj discloses a method wherein the network comprises a combination of one or more of a local area network, wide area network, wireless network, and internet (Grau, Column 3 lines 56-65).

As per claim 32, which is dependent on claim 30, Grau-Prithviraj discloses a method wherein the service provider configures a portion of the network in to partitioned networks, wherein the portion of the network comprises a partitioned network allocated to the customer (Prithviraj, Column 23 lines 3-21).

As per claim 33, which is dependent on claim 21, Grau-Prithviraj discloses a method further comprising: providing authentication services for the services for the customer by a web server executing on the management portal (Prithviraj, Column 19 lines 34-46) .

As per claim 34, which is dependent on claim 21, Grau-Prithviraj discloses a method wherein transporting the requested topology map comprises: generating a web page with a hypertext link to the location in which the requested topology map is stored (Prithviraj, Column 10 lines 25-39); forwarding the web page over the network to the

customer (Prithviraj, Column 10 lines 54-57); and receiving a command to invoke a common gateway interface in the management portal to transport the stored topology map to the customer using the network protocol (Prithviraj, Column 10 lines 44-49).

Claims 35 and 49 are individually similar in scope to that of claim 21 and are therefore rejected under similar rationale.

Claims 36 and 50 are individually similar in scope to that of claim 22 and are therefore rejected under similar rationale.

Claims 37 and 51 are individually similar in scope to that of claim 23 and are therefore rejected under similar rationale.

Claims 38 and 52 are individually similar in scope to that of claim 24 and are therefore rejected under similar rationale.

Claims 39 and 53 are individually similar in scope to that of claim 25 and are therefore rejected under similar rationale.

Claims 40 and 54 are individually similar in scope to that of claim 26 and are therefore rejected under similar rationale.

Claims 41 and 55 are individually similar in scope to that of claim 27 and are therefore rejected under similar rationale.

Claims 42 and 56 are individually similar in scope to that of claim 28 and are therefore rejected under similar rationale.

Claims 43 and 57 are individually similar in scope to that of claim 29 and are therefore rejected under similar rationale.



Claims 44 and 58 are individually similar in scope to that of claim 30 and are therefore rejected under similar rationale.

Claims 45 and 59 are individually similar in scope to that of claim 31 and are therefore rejected under similar rationale.

Claims 46 and 60 are individually similar in scope to that of claim 32 and are therefore rejected under similar rationale.

Claims 47 and 61 are individually similar in scope to that of claim 33 and are therefore rejected under similar rationale.

Claims 48 and 62 are individually similar in scope to that of claim 34 and are therefore rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments with respect to claim 21-62 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, the Office notes that applicant did not contest the factual assertion set forth under Official Notice on pages 4,5,6,and 7 of the Office Action of 3/25/2004.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday-Thursday, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro

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Patent Examiner

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RFP

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